

### **REMARKS**

The present Amendment amends claims 9, 11, 22-24 and 26 and leaves claims 7 and 25 unchanged. Therefore, the present application has pending claims 7, 9, 11 and 22-26.

Claims 9, 11 and 22-25 stand rejected under 35 USC §103(a) as being unpatentable over Olivo (U.S. Patent No. 5,172,111) in view of Shimoji (U.S. Patent Application Publication No. 2004/0088739); claim 7 stands rejected under 35 USC §103(a) as being unpatentable over Olivo in view of Shimoji and Russo (U.S. Patent No. 5,701,383); and claim 26 stands rejected under 35 USC §103(a) as being unpatentable over Portuesi (U.S. Patent Application Publication No. 2004/0088739) in view of Shimoji. These rejections are traversed for the following reasons. Applicants submit that the features of the present invention as now more clearly recited in claims 7, 9, 11 and 22-26 are not taught or suggested by Olivo, Shimoji, Russo or Portuesi whether taken individually or in combination with each other as suggested by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw these rejections.

Amendments were made to each of independent claims 9, 11 and 26 so as to more clearly describe that according to the present invention the playback of video and audio data of broadcast information is started and continues until it is stopped according to a predetermined start timing of playing auxiliary information so as to permit the playback of the auxiliary information which is generated due to execution of the program or script. According to the present invention, as now more clearly



recited in the claims, if the program or script has not been executed within a predetermined period of time as measured from a time when execution of the program or the script is started, then execution of the program or script is cancelled. Thus, as per the present invention the data representing auxiliary information generated by the executing the program or script is not played back and the playback of the video and audio data is resumed.

Therefore, the above described features of the present invention allows for the broadcast signal receiving apparatus to disregard the need for playing back the auxiliary information if the program or script which is to be executed so as to generate such auxiliary information has not been executed within a predetermined period of time as measured from the start of execution of the program or script. The reasons for a program or script to not be executed according to the present invention can occur due to numerous reasons including, for example, an error in the program or script that for some reason cannot be properly decoded by the processor during execution. According to the present invention when the program or script has not been executed for a predetermined period of time as measured from the start of execution of the program or script, any data generated from the failed execution of the program or script should not displayed on the display screen since such information could, for example, be indecipherable garbage.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record whether taken individually or in combination with each other. Particularly, the above described features of the present invention are not taught by Olivo, Shimoji, Russo



or Portuesi whether taken individually or in combination with each other as suggested by the Examiner.

In the Office Action the Examiner recognized numerous deficiencies of Olivo relative to the features of the present invention as recited in the claims. Particularly, the Examiner states that:

“Olivo is silent on the material content signal being either an executable program or script”.

Further, the Examiner states that:

“Olivo is silent on determining if the script is executed with a predetermined period of time”

In the Office Action the Examiner alleges that Shimoji supplies the above described deficiencies of Olivo. Particularly, the Examiner alleges that Shimoji teaches handlers as scripts, which are programs or instructions words that are executed by the receiving apparatus on page 10, paragraph [0228] and that Shimoji teaches a script time information table for a time period of script execution page 11, paragraphs [0234] [0240]. In addition, the Examiner alleges that if no user input is received then terminating the user input section occurs page 24, paragraph [0436], which cancels the script and continuing playback of the broadcast material page 24, paragraph [0436].

Although arguably there may be some teaching in Shimoji regarding the execution of a script or the like, there is absolutely no teaching or suggestion in Shimoji of the use of a predetermined period of time as measured from a time when execution of the program or the script is started so as to determine whether the



execution of the program or script is to be cancelled or not as in the present invention.

The information being referred in Shimoji by the Examiner is time information as described on page 11, paragraph [0240] that is used for navigation information which includes hyperlink information for links to other contents and valid time information for indicating the time at which the content is valid. Attention is directed to page 10, paragraph [0222] of Shimoji. Thus, the "end-time" as taught by Shimoji is entirely different from the present invention in that it merely indicates the time during which the navigation information is valid not a time as measured from the start of execution of the program or script as in the present invention. Attention is directed to page 24, paragraph [0430] of Shimoji which describes that the "end-time" (S8622) is a time used to provide an indication as to when the corresponding bit map data should no longer be displayed. Thus, the "end-time" as taught by Shimoji is merely an indication as to when the bit map data is valid rather than a time measured from the start of execution of the program or script as in the present invention.

Shimoji further teaches on page 24, paragraph [0436] that the reception control unit 5126 judges whether the user input received from the signal reception unit 5127 is for the "enter" key and when the input is for the "enter" key, the processing advances to S8714. However, in Shimoji when the input is not for the "enter" key, the reception control unit 5126 terminates the user input processing. Here again, the termination of user input processing as taught by Shimoji is not any way related to the canceling of the execution of a program or script upon expiration



of a predetermined period of time as measured from a time when execution of the program or script is started as in the present invention.

Thus, both Olivo and Shimoji suffer from the same deficiencies relative to the features of the present invention as recited in the claims.

Particularly, both Olivo and Shimoji fail to teach or suggest stopping the step of playing back the video and audio data stored in the storage unit according to a predetermined start timing of playing the auxiliary information and then playing back data generated by executing the program or the script of the auxiliary information based on the predetermined start timing as recited in the claims.

Further, both Olivo and Shimoji fail to teach or suggest that if the program or the script is not executed within a predetermined period of time as measured from a time when execution of the program or the script is started, then execution of the program or the script is canceled, thereby not playing back data generated by executing the program or the script and resuming playing back the video and audio data as recited in the claims.

Therefore, both Olivo and Shimoji suffer from the same deficiencies relative to the features of the present invention as recited in the claims and therefore when combined does not render obvious the features of the present invention as recited in the claims. Accordingly, reconsideration and withdrawal of the 35 USC §103(a) rejection of claims 9, 11 and 22-25 as being unpatentable over Olivo in view of Shimoji is respectfully requested.

The above noted deficiencies of Olivo and Shimoji are also evident in Russo. Russo is merely relied upon by the Examiner for an alleged teaching of concurrent



reading and writing of information into a medium. However, at no point does Russo teach or suggest the above described deficiencies of both Olivo and Shimoji.

Therefore, the combination of Olivo, Shimoji and Russo fails to teach or suggest the features of the present invention as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 USC §103(a) rejection of claim 7 as being unpatentable over Olivo in view of Shimoji and Russo is respectfully requested.

The above described deficiencies of Shimoji are also evident in Portesui. Portuesi is merely relied upon by the Examiner for an alleged teaching of a data storage device with embedded URLs wherein the URLs read auxiliary information and the URLs are associated with an image track of a program using a link and caption. These alleged teachings of Portesui do not supply the deficiencies noted above with respect to Shimoji relative to the features of the present invention as now more clearly recited in the claims. Particularly, Portesui does not teach or suggest the above described features of the present invention regarding the predetermined period of time as measured from a time when execution of the program or script is started.

Therefore, the combination of Portesui and Shimoji fails to teach or suggest the features of the present invention as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 USC §103(a) rejection of claim 26 as being unpatentable over Portesui in view of Shimoji is respectfully requested.



The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 7, 9, 11 and 22-26.

In view of the foregoing amendments and remarks, applicants submit that claims 7, 9, 11 and 22-26 are in condition for allowance. Accordingly, early allowance of claims 7, 9, 11 and 22-26 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (501.37519X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

A handwritten signature in dark ink, appearing to be 'C. Brundidge', is written over a horizontal line.

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